

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMELLE L. RUSSELL,

Plaintiff

Case No. 3:23-cv-00549-RCJ-CLB

ORDER

v.

HENLY, et al.,

Defendants

On November 7, 2023, Plaintiff Jamelle Russell, an inmate in the custody of the Nevada Department of Corrections, submitted a civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is incomplete because it is not on this Court's approved form and Plaintiff did not include a financial certificate on the Court's approved form and an inmate trust fund account statement for the previous six-month period.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

1 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*
2 *forma pauperis* (ECF No. 1) is denied without prejudice.

3 It is further ordered that **on or before Monday, January 15, 2024**, Plaintiff will
4 either pay the full \$402 filing fee or file a fully complete application to proceed *in forma*
5 *pauperis* with all three required documents: (1) a completed application with the inmate's
6 two signatures on page 3, (2) a completed financial certificate that is signed both by the
7 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
8 statement for the previous six-month period.

9 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
10 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
11 refile the case with the Court, under a new case number, when he can either pay the
12 required filing fee or file an application to proceed *in forma pauperis*.

13 It is further ordered that the Clerk of the Court will send Plaintiff Jamelle Russell
14 the approved form application to proceed *in forma pauperis* for an inmate and instructions
15 for the same.

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17 DATED this 16th day of November 2023.

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20 UNITED STATES MAGISTRATE JUDGE
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